

Civil Rights Assurance

Responsibilities of the School

Goal: To assure that child nutrition program benefits are made available and provided to all eligible individuals without discrimination.

United States Department of Agriculture (USDA) regulations outline the responsibility of each School Food Authority (SFA) regarding civil rights compliance in the school nutrition programs. The following procedures are required to assure that all participating SFAs comply with the civil rights regulations.

1. Include in all forms of communication and printed program information:
 - a. The statement that program benefits and services are available to all students without regard to race, color, national origin, sex, age or disability.

- b. Where a complaint may be filed: USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410

Note: The nondiscrimination information below, which is contained each year in the letter to parents, is provided by USDA to meet this requirement.

2. Inform parents or guardians of children, as well as local minority and grass roots organizations, of the availability of program benefits and services, the nondiscrimination policy, and all significant changes in existing requirements that pertain to program eligibility and benefits.

Note: This may be done through the news release and letter to parents, income scale



Nondiscrimination Information

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, age, or disability. Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

and application form sent home to the parents or guardians of each child enrolled.

3. Display the nondiscrimination poster in a prominent place in each school. (Not in the kitchen preparation area.)

Note: A full size version of the poster (shown on the previous page) is available from the State Agency or for printing directly from the USDA web site, url:

<http://www.fns.usda.gov/cr/justice.htm>

4. Upon request, make available to the public and to participants and potential participants, information about program requirements and the procedures for filing a complaint, in English and/or in the appropriate translation to non-English speaking persons.
5. Any person alleging discrimination based on race, color, national origin, gender, age, or disability has a right to file a complaint. A complaint may be filed on the Discrimination Complaint Form (Form 1 Section 3) or the complaint may be made in another format or verbally. A full size form for printing may be accessed in Section 27. All complaints, written and verbal, must be accepted and forwarded to the Civil Rights Division at the National Office via the USDA Food and Nutrition Service, SE Regional Office, 61 Forsythe Street, SW, Atlanta, GA 30303-3415. USDA must be notified immediately of any Civil Rights complaints and has established a reporting time of within three working days of the reported complaint.
6. SFAs are required to maintain the actual number of students applying for free and reduced-price meals on file for three years plus the current year. Schools may be requested to provide ethnic breakdowns to students enrolled and/or eligible for meal benefits. Note: The precise number of students approved and denied by racial/ethnic categories may be difficult to obtain. Therefore, the SFA's best estimate, based on enrollment data collected by the SFA, on-site observations, or SFA official knowledge.

The SFA's compliance with the civil rights regulations, as well as all other program regulations, will be verified during on-site administrative reviews, audits, and other Federal or State monitoring visits.

Nondiscrimination/Confidentiality

There must not be any discrimination against students receiving free and reduced-price meal benefits.

- The names of students must not be published, posted, or announced in any manner or used for any purpose other than determining and verifying eligibility for free and reduced-price meals.
- The students must not be required to work for their meals.
- The students must not be required to use a separate dining room, separate serving line, or time.

Form 1 Section 3 Discrimination Complaint Form

Discrimination Complaint Form

1. Your name: _____

2. Your address: _____

3. Your telephone: _____

4. List other ways to contact you: _____

5. Name and address of person(s) or organizations you are filing a complaint against: _____

6. Tell what incidents happened that made you feel you had been discriminated against and the dates they occurred. _____

7. State on what basis you feel discrimination exists (race, color, national origin, gender, age, or disability). _____

8. List names, titles, and addresses of persons who may have knowledge of the actions given in number 6 above.

	Name:	Title:	Address:
a.	_____	_____	_____
b.	_____	_____	_____
c.	_____	_____	_____
d.	_____	_____	_____

All complaints, written or verbal, shall be accepted by the school and/or SFA and forwarded to: USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410. All such complaints must be first forwarded within three working days to Toni Abernathy-Young, Director, Civil Rights, Food and Nutrition Service, Southeast Regional Office, 61 Forsyth Street, S.W., Atlanta, GA 30303-3415.

- There must not be any overt identification of any of the students by use of special tokens or tickets. The SFA must use the meal count and collection procedure(s) approved as part of its free and reduced-price meal policy statement. When ordering meals for special functions (i.e. field trips, class parties, etc.), no method of overt identification can be used (students raising hands, forms sent home that identify eligibility, etc.)
- There must not be any discrimination on the basis of race, color, national origin, gender, age, or disability in the application approval process or in the selection of applications for verification.

The public release and letter to parents or application for benefits must include the statement.

Release of Eligibility Determination

The information on applications must be kept confidential. However, the USDA has authorized SFAs to release student free and reduced-price school meal eligibility status under specific circumstances only.

Aggregate data on students eligible for these benefits is allowed. Section 108 of Public Law 103–448 also authorizes the disclosure of individual student's free and reduced-price school meal eligibility status for certain Federal and State education programs. Programs identified to receive this information are the National Assessment of Educational Progress and officials collecting data for Title I allocation and evaluation purposes. An amendment allowing SFAs to release free and reduced-price eligibility for the State Children's Health Insurance Program and Medicaid was effective October 2000. However, the provision of such information remains the option of the local school food authority and must be covered by a written agreement with the requesting agency. A waiver of confidentiality by the student's parent/guardian is still required whenever eligibility status is released with an individual student name to any other program or entity.

Waiver of Confidentiality

USDA has ruled that the SFA may provide the eligibility status of students to another agency or program when households waive their confidentiality.

The SFA must ensure that the household's waiver:

- clearly informs households of the waiver's purpose,
- authorizes release of free and reduced-price eligibility information,
- identifies how the information will be used,
- identifies who will use the information, and
- is signed by a parent or guardian. (It is not the responsibility of the SFA to verify the authenticity of the signature; only to determine that it is signed by a parent or a guardian).

The SFA is advised to develop written policies and guidelines before taking any action. Considerations should include:

- the SFA's definition of "agency",
- the SFA's definition of "program",
- the agency's or program's method to protect against misuse of the information,
- the name of the SFA employee who will administer this process,
- the documentation that will be maintained at the SFA level (at the very least, the SFA must maintain a copy of the waiver), and
- whether or not the SFA should have a written agreement with the agency or program and the terms and conditions of that agreement.

For directly certified students the SFA must not indicate that a household is eligible for food stamps or TANF benefits.

Notes: